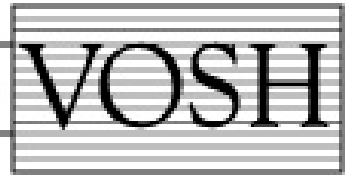


Virginia Occupational Safety and Health



VOSH PROGRAM DIRECTIVE: 02-400B

ISSUED: February 1, 2002

SUBJECT: Enforcement Procedures for the Occupational Exposure to Bloodborne Pathogens

A. Purpose.

This directive transmits to field personnel established policies and clarifications to ensure uniform inspection procedures are followed when conducting inspections to enforce the Occupational Exposure to Bloodborne Pathogens Standard.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel, and specifically to Occupational Health Compliance and Consultation Services personnel.

C. Reference.

OSHA Instruction CPL 2-2.69 (November 27, 2001)

Note that Section "H." of OSHA Instruction CPL 2-2.69 relating to recordkeeping shall not be used. The attachment to this Directive reflects the impact of the Virginia unique standard 1910.20 for medical records and shall take precedence over Section H of the federal instruction.

D. Cancellation.

VOSH Program Directive 02-400A (February 15, 2000)

E. Action.

The Directors and Managers shall assure that the guidelines in this Directive are followed.

F. Effective Date.

February 1, 2002

Jeffrey D. Brown
Commissioner

Attachment: OSHA Instruction CPL 2-2.69 (November 27, 2001) or refer to:

http://www.osha-slc.gov/OshDoc/Directive_pdf/CPL_2-2_69.pdf

Distribution: Commissioner of Labor and Industry
Directors and Managers
VOSH Compliance Staff
Cooperative Programs Staff
Legal Support Staff
OSHA Regional Administrator, Region III
OSHA Area Office, Norfolk

When the guidelines, as set forth in this Program Directive, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms if, and where they are used, shall be considered to read as below:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Regional Administrator	Commissioner of Labor and Industry
Area Director	Regional Director
Regional Solicitor	Attorney General or VOSH Office of Legal Support (OLS)
Agency	Department
Office of Statistics	VOSH Research and Analysis
Compliance Safety and Health Officer (CSHO)	CSHO and/or Industrial Hygienist
Field Inspection Reference Manual (FIRM)	VOSH Field Operations Manual (FOM)

Recordkeeping Attachment for Virginia Unique Standard 1910.20:

- H. Recordkeeping §1910.1030(h).** Medical and exposure records are required to be kept for each employee, in accordance with §1910.20.

NOTE: The requirements of §1910.20, Access to employee exposure and medical records, apply here. Section 1910.20 is a unique standard to be enforced under the jurisdiction of the Virginia Occupational and Safety Health program. The federal OSHA standard counterpart listed at 29 CFR 1910.1020 does not apply; nor does it carry the force of law for employers under VOSH's jurisdiction.

- a. Medical records, required by **§1910.20(d)(1)(i)**, shall be preserved and maintained for at least the duration of employment plus 30 years, except that health insurance claims records maintained separately from the employer's medical program and its records need not be retained for any specified period;
- b. Generally, employee exposure records and analyses based on exposure or medical records, required by **§1910.20(d)(1)(ii)**, shall be preserved and maintained for at least 30 years.

NOTE: While §1910.1020(h)(1)(iii) requires that medical records are to be kept confidential, §1910.1020(h)(1)(iii)(B) stipulates that disclosure is permitted when required by this standard or other Federal, State, or local law.

INSPECTION GUIDELINES. All medical records required to be kept by this standard are also required to be made available to VOSH. The Compliance Officer must protect the confidentiality of these records. If they are copied for the case file, the provisions of

29 CFR 1913.10 must be followed.

The Compliance Officer should review the employer's recordkeeping program to ensure that the required information is collected, and provision has been made to ensure the confidentiality of the medical records in accordance with **§1910.20**. While **§1910.20** makes allowances for its provisions being carried out on behalf of the employer, paragraph **1910.20(b)(3)** states that "each employer must ensure that the preservation and access requirements are complied with regardless of the manner in which the records are made or maintained." If the employer has contracted with a responsible third party to maintain the required records, the employer should only be cited for deficiencies of which she/he knew or could have known with the exercise of reasonable diligence.

- ii. **Paragraph (h)(2) of §1910.1030** requires accurate recordkeeping of training sessions, including titles of the employees who attend. The records are necessary to assist the employer and OSHA in determining whether the training program adequately addresses the risks involved in each job. Additionally, this information is helpful in tracking the relationship between exposure incidents (e.g., needlesticks) and various jobs and the corresponding level of training.

Training records may be stored onsite where the actual documents will be easily accessible for review. In order to ensure that the employee training is complete, all the components of the program required by paragraph **(g)(2)(vii)** must be covered.

Training records are not considered to be confidential. Training records may be stored onsite where the actual documents are readily accessible. They must be retained for 3 years from the training date.